



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

September 15, 2003

Jane Schilmoeller
Shook, Hardy & Bacon, LLC
84 Corporate Woods
10901 Mastin, Suite 1000
Overland Park, KS 66210-1671

Stephen Bruckner
Fraser Law Firm
500 Energy Plaza
409 South 17th St.
Omaha, NE 68102-2663

Richard Adams
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Energy Plaza 30th Floor
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Dallas, Texas 75201-3402

IDOT
Attn. Mary Kay Solberg
800 Lincoln Way,
Ames, IA 50010

Pottawattamie County Development
Matt Buchanan
7 North 6th St.
P.O. Box 1565
Council Bluffs, IA 51503

City of Council Bluffs
attn: Ed Jankowski
209 Pearl Street.
Council Bluffs, IA 51503

RE: Council Bluffs Former Manufactured Gas Plant Site
7th Street between 10th and 11th Ave., Council Bluffs, Iowa



Dear Parties:

As you know, the Iowa Department of Natural Resources is currently the lead agency providing regulatory oversight of this former MGP site in Council Bluffs. For some time the DNR has been researching and communicating with potentially responsible parties (PRPS) to initiate some further site investigation and possibly other remedial action.

The Department has been primarily communicating with Aquila, Inc. who is the current property owner of most of the affected area. We have tentatively scheduled a meeting at the DNR office, Wallace State Office Building, in Des Moines, Iowa for Wednesday, October 8, 2003 at 10:00 AM. The Department has also had correspondence with TXU, Inc. through their counsel, Richard Adams, with Hunton & Williams, and Omaha Public Power District (OPPD) through their counsel, Stephen Bruckner with Fraser Law Firm. The Department has also communicated with the Iowa Department of Transportation (IDOT) regarding their historical involvement.


The purpose of this meeting is to discuss the data that is available to date and discuss the scope of the site assessment which the DNR is expecting to be done and the expected development future in this area. The DNR will outline the regulatory oversight options such as enrollment in the Iowa Land Recycling Program, entering into a consent order or some more informal process.

We would also like to provide an opportunity for the PRPS and the DNR to discuss liability and allocation of liability issues and options for planning remedial action.

Aquila has indicated they will attend the meeting and they have expressed a willingness to cooperate in initiating a site assessment plan depending on its scope. The DNR has not dismissed TXU, Inc. or OPPD as PRPS, and we would invite them to attend the meeting if at all possible.

The DNR project manager is Mick Leat who can be reached at 515-281-8045. Please advise whether you intend to participate in this meeting by contacting myself or Mr. Leat.

Sincerely,

A handwritten signature in black ink, appearing to read 'David L. Wornson', written over a horizontal line.

David L. Wornson

Attorney, Iowa Department of Natural Resources

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Copy: M. Leat, Cal Lundberg, DNR